

IN THE MATTER OF:)	COMPLAINT NO. R9-2008-0033
)	FOR
AMETEK INC.)	ADMINISTRATIVE CIVIL LIABILITY
)	
NONCOMPLIANCE WITH)	October 7, 2008
CLEANUP AND ABATEMENT)	
ORDER NO. R9-2002-201.)	

1. Ametek Inc. (Ametek) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under California Water Code (CWC) section 13350. The violations alleged herein include violations of Cleanup and Abatement Order No. R9-2002-201.
2. Unless waived, a hearing on this complaint will be held before the Regional Board as set forth below on December 10, 2008, at 9174 Sky Park Court, Suite 100, San Diego, California. Ametek or its representative will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of the civil liability. An agenda for the meeting will be mailed to Ametek not less than 10 days before the hearing date. The deadline to submit all evidence or comments concerning this complaint is November 17, 2008. The Regional Board will not consider any evidence or comments not submitted by this deadline.
3. In 1954, California Aircraft Products purchased the property at 790 Greenfield Drive in the City of El Cajon, California. In 1964, California Aircraft Products changed its name to Straza Industries. Straza Industries was purchased by Ametek, Inc. in 1968 and became the Straza Division of Ametek. Ametek, like previous owners, used the Site to manufacture aircraft engine parts and assemblies. Since the 1950's, this 17 acre Site has been the location of aerospace component manufacturing operations. In 1988, Ametek was split into two separate independent publicly owned Companies – Ametek Inc. and Ketema Inc. Ketema Inc. subsequently changed its name to Schutte and Koerting, Inc. (S&K), and the facility was sold to Senior Flexonics, Inc. in 1998. CAO R9-2002-201 (CAO) was issued to both S&K and Ametek. No petition was filed by either party and the Order became final and binding on both parties. S&K took lead responsibility for performing work related to the CAO until they filed for

bankruptcy liquidation in 2007.¹ Ametek and/or its subsidiaries and corporate affiliates, and S&K are responsible for the violations of CAO No. R9-2002-201.

4. Schutte & Koerting Inc. (S&K) filed for bankruptcy liquidation with the United States Bankruptcy Court in the District of Colorado in June, 2007.

ALLEGATIONS

5. **Failure to Report as Required by Directive No. 1 by properly complying with Directive 1e to Cleanup and Abatement Order No. R9-2002-201.** Ametek failed to install and collect ground-water samples in accordance with Directive 1.e and failed to submit a complete Delineation Report by April 30, 2003 as required by Directive No. 1 of CAO R9-2002-201, as amended. A Notice of Violation was sent to Ametek and S&K by certified mail on July 15, 2003. The violation period began on May 1, 2003, and continues to the present. As of September 25, 2008, the total number of days of violation is 1,974 days.
6. **Failure to Submit a Complete Feasibility Study Report as Required by Directive No. 3 of Cleanup and Abatement Order No. R9-2002-201.** Ametek failed to submit a complete Feasibility Study Report by January 16, 2004 as required by Directive No. 3 of CAO R9-2002-201, as amended. A Notice of Violation was sent to Ametek and S&K by certified mail on February 2, 2004. The violation period began on January 17, 2004 and continues to the present. As of September 25, 2008, the total number of days of violation is 1,713 days.
7. Pursuant to CWC section 13350(e) the maximum civil liability that can be imposed by the Regional Board for the alleged violations is \$5,000 per day of violation with a minimum of \$500 per day. Based on the days of violation as alleged in paragraph No. 5 and No. 6, the liability can range from a minimum of \$1,843,500 to a maximum of \$18,435,000 for the combined assessment of both violations.

PROPOSED CIVIL LIABILITY

Based on consideration of the factors listed in §13327 of the CWC, as described in *Technical Analysis, Administrative Civil Liability Issued To Ametek Inc. and Schutte & Koerting, Inc., Former Ametek/Ketema Aerospace Manufacturing Facility 790 Greenfield Drive, El Cajon California September 2008*, for violations of Cleanup and Abatement Order No. R9-2002-201, as amended, civil liability should be imposed on Ametek, Inc. in the amount of \$2,269,000 as follows:

¹ Groundwater Plume Investigation Workplan, prepared for Ametek by ERM March 2008

8. **\$1,671,500 in liability for Failure to Report as Required by Directive No. 1 by properly complying with Directive 1e to Cleanup and Abatement Order No. R9-2002-201 as described in Allegations paragraph No. 5.**

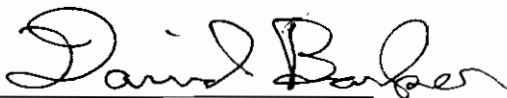
Pursuant to CWC section 13350(e) the maximum civil liability that can be imposed by the Regional Board is \$5,000 per day of violation with a minimum of \$500 per day. Based on 1,095 days of violation the liability can range from a minimum of \$547,500 to a maximum of \$5,475,000.

9. **\$597,500 in liability for Failure to Submit a Complete Feasibility Study Report as Required by Directive No. 3 of Cleanup and Abatement Order No. R9-2002-201 as described in Allegations paragraph No. 6.**

Pursuant to CWC section 13350(e) the maximum civil liabilities that can be imposed by the Regional Board is \$5,000 per day of violation with a minimum of \$500 per day. Based on 1,095 days of violation the liability can range from a minimum of \$547,500 to a maximum of \$5,475,000.

Dated this 7th day of October 2008

BY



DAVID BARKER, P.E.
BRANCH CHIEF - Surface Water Basins

Signed pursuant to the authority delegated by the Assistant Executive Officer to the Branch Chief of the Surface Water Basins.